

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kathryn Duffy	Team: Team # 1	CCRB Case #: 201005449	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/24/2010 2:20 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 10/24/2011	EO SOL 10/24/2011	
Date/Time CV Reported Mon, 04/26/2010 12:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/26/2010 12:08 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Robert Roda	01234	939332	047 PCT
3. POM Juan Rodriguez	16076	939343	047 PCT
4. POM Jens Maldonado	14155	940408	047 PCT
5. SGT Thomas Iaquinto	02253	926976	047 PCT
6. DI Paul Deentremont	00000	892944	047 PCT
7. POM Daniel Beddows	30576	926556	047 PCT
8. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Robert Roda	Abuse: PO Robert Roda entered § 87(2)(b) in the Bronx.	
B.POM Daniel Beddows	Abuse: PO Daniel Beddows entered § 87(2)(b) in the Bronx.	
C.POM Jens Maldonado	Abuse: PO Jens Maldonado entered § 87(2)(b) in the Bronx.	
D.POM Juan Rodriguez	Abuse: PO Juan Rodriguez entered § 87(2)(b) in the Bronx.	
E.POM Juan Rodriguez	Abuse: PO Juan Rodriguez drew his gun.	
F.POM Juan Rodriguez	Discourtesy: PO Juan Rodriguez spoke rudely to § 87(2)(b) and § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G. Officers	Force: Officers used physical force against § 87(2)(b)	
H.SGT Thomas Iaquinto	Abuse: Sgt. Thomas Iaquinto authorized the search of § 87(2)(b) in the Bronx.	
I. Officers	Discourtesy: Officers spoke rudely to § 87(2)(b) and § 87(2)(b)	
J. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
K.DI Paul Deentremont	Off. Language: DI Paul Deentremont made remarks to § 87(2)(b) based upon race.	

Case Summary

§ 87(2)(b) and § 87(2)(b) both filed complaints about the following incident on behalf of their son, § 87(2)(b) who was initially identified as a victim but was later found not to have been present for the interaction with the police. § 87(2)(b)'s complaint was filed over the CCRB intake line on April 26, 2010, and § 87(2)(b)'s complaint was filed over the telephone to IAB on April 27, 2010. The IAB complaint was assigned log number 10-21192 and sent to the CCRB, where it was received on April 30, 2010. Neither § 87(2)(b) nor § 87(2)(b) was present for the incident.

On April 24, 2010, § 87(2)(b) and § 87(2)(b) had an altercation with an acquaintance that resulted in a call to 911. Officers including PO Robert Roda, PO Jens Maldonado, PO Juan Rodriguez, PO Daniel Beddows, Sgt. Thomas Iaquinto, and DI Paul Deentremont, all from the 47th Precinct, responded to the § 87(2)(b) residence at § 87(2)(b) and interacted with the aforementioned individuals, in addition to family members § 87(2)(b) and § 87(2)(b). Their interaction resulted in the following allegations:

- **Allegation A – Abuse of Authority:** PO Robert Roda entered § 87(2)(b) in the Bronx.
- **Allegation B – Abuse of Authority:** PO Daniel Beddows entered § 87(2)(b) in the Bronx.
- **Allegation C – Abuse of Authority:** PO Jens Maldonado entered § 87(2)(b) in the Bronx.
- **Allegation D – Abuse of Authority:** PO Juan Rodriguez entered § 87(2)(b) in the Bronx.
- **Allegation E – Abuse of Authority:** PO Juan Rodriguez drew his gun.

§ 87(2)(g)

- **Allegation F – Discourtesy:** PO Juan Rodriguez spoke rudely to § 87(2)(b) and § 87(2)(b).
- **Allegation G – Force:** Officers used physical force against § 87(2)(b).

§ 87(2)(g)

- **Allegation H – Abuse of Authority:** Sgt. Thomas Iaquinto authorized the search of § 87(2)(b) in the Bronx. § 87(2)(g)

- **Allegation I – Discourtesy:** Officers spoke rudely to § 87(2)(b) and § 87(2)(b).

- **Allegation J – Abuse of Authority:** An officer threatened to arrest § 87(2)(b).

§ 87(2)(g)

- **Allegation K – Offensive Language:** DI Paul Deentremont made remarks to § 87(2)(b) based upon race.

§ 87(2)(g)

A family member, § 87(2)(b) alleged during her in-person interview at the CCRB that money was missing from under a mattress in her apartment after the incident. The missing property allegation was referred to IAB under case number 201007077, which was sent to IAB on May 20, 2010.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b) -old Hispanic female, 5'1", 124 pounds, brown hair, brown eyes, § 87(2)(b) in the Bronx, resident of § 87(2)(b) § 87(2)(b) in the Bronx.

CCRB Testimony

§ 87(2)(b) provided an in-person statement at the CCRB on May 20, 2010. § 87(2)(b) is a niece of § 87(2)(b) and § 87(2)(b) and is one of several relatives living on the § 87(2)(b) floor of § 87(2)(b) § 87(2)(b) his partner, § 87(2)(b), and their child live with § 87(2)(b). Their aunt, § 87(2)(b) occupies the § 87(2)(b)-floor apartment, and cousins § 87(2)(b) and § 87(2)(b) also stay at § 87(2)(b) intermittently. On the incident date, § 87(2)(b) had gone out to get diapers for his infant son. Another cousin, § 87(2)(b) and his friends § 87(2)(b) and "§ 87(2)(b) identified by the investigation as § 87(2)(b) were on the § 87(2)(b) floor of § 87(2)(b).

At 2:10 pm, § 87(2)(b) and § 87(2)(b) were walking down the block away from § 87(2)(b). They were on the way to a store but stopped when they saw an unmarked navy blue sedan with tinted windows pull up in front of the house. Four male officers dressed in plainclothes ran from the vehicle and onto the front porch of § 87(2)(b) with their guns drawn. The group was identified by the investigation as PO Robert Roda, PO Daniel Beddows, PO Jens Maldonado, and PO Juan Rodriguez, all assigned to the 47th Precinct, but the officers described by § 87(2)(b) could not be individually identified by her description alone. § 87(2)(b) said that PO1 was a Hispanic male with glasses and a heavy build. PO2 was a Hispanic male wearing an NYPD windbreaker. PO3 was a black male wearing a hat turned backwards, and PO4 was a Hispanic male whom § 87(2)(b) could not otherwise describe. When § 87(2)(b) saw the officers, she ran away into a neighbor's house because she was scared. She referenced an earlier occasion in § 87(2)(b) when officers had entered her home on a warrant and struck her (addressed in CCRB § 87(2)(b) and said that she has been scared of the NYPD ever since this incident.

From inside the neighbor's home, § 87(2)(b) could see that the four officers ran onto the porch and started shouting "Open the fucking door! Open the fucking door or we're going to shoot!" § 87(2)(b) was inside and opened the door, and the officers ordered the occupants of the apartment to "Get the fuck out with your hands up." The occupants of the house did not comply and stayed indoors. § 87(2)(b) saw several marked police vehicles pull up in front of the house, and she noticed § 87(2)(b) near the garage of § 87(2)(b) which is to the left of the house and visible from the neighbor's window. She saw officers chase § 87(2)(b) and "beat him up." She did not elaborate on the force used against § 87(2)(b) but mentioned that she saw an officer pull him by the hair at some point.

While § 87(2)(b) was hiding inside of her neighbor's house, she received a call from one of her uncles, § 87(2)(b) § 87(2)(b) told § 87(2)(b) that he had received a call from her mother and driven to the incident location to find out what had happened. He told § 87(2)(b) to come back to the house and talk to the police, and she did so.

When § 87(2)(b) came back to § 87(2)(b) PO1, the overweight Hispanic male with glasses, told her to sit on the porch with § 87(2)(b) who was sitting on the porch in

handcuffs. PO1 asked § 87(2)(b) why she had run away, and she explained that the last time the NYPD had come to the house an officer had hit her, so she was afraid. PO1 said, “That’s a bullshit-ass excuse. I should take you in right now.” § 87(2)(b) remained sitting on the porch for a few minutes longer until another male officer dressed in plainclothes, who § 87(2)(b) described as a short, blonde, light skinned detective, identified by the investigation as PO Robert Roda, came out from inside the house and asked, “Why is she here?” and PO1 said that she did not want to work with them. Shortly thereafter, an officer § 87(2)(b) identified as the “captain of the detectives,” identified as DI Deentremont, who she described as a short, overweight, white officer dressed in a brown shirt with brown hair, came outside and told the other officers not to arrest § 87(2)(b). DI Deentremont told § 87(2)(b) to “Tell [her] mother about having these fucking animals live in this house.” At some point during the interaction, an officer said to § 87(2)(b) “You know why we came in here. You had a gun,” and at another point, PO1 told § 87(2)(b) “You know your house is a big drug and gun house.”

The officers searched the house and arrested § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not actually observe a search and was outside the house at the time, but stated her assumption that a search was performed. She believed this because of the evidence recovered by the officers. The building is a multiple family home, the floors of which are all occupied by members of the § 87(2)(b) family, but § 87(2)(b) was unable to clarify whether the floors are divided into discrete, legal units. According to § 87(2)(b) the warrant executed in § 87(2)(b) was in regard to suspected drug sales by one of the young men living in the house.

Single Photo Display

§ 87(2)(b) was presented with a single photo display at the CCRB on January 10, 2011. The display consisted of members of the 47th Precinct Anticrime unit to determine their roles in the incident on April 24, 2010, at § 87(2)(b) in the Bronx. § 87(2)(b) was advised that the officers depicted in the photos may or may not have been the subjects of her complaint. The photo display included the following officers in the following order:

- 1) PO Jens Maldonado, TX 940408
- 2) SGT Thomas Iaquinto, TX 926976
- 3) DI Paul Deentremont, TX 892944
- 4) PO Juan Rodriguez, TX 939343
- 5) PO Robert Roda, TX 939332

§ 87(2)(b) did not recognize PO Maldonado, the officer depicted in single photo 1.

§ 87(2)(b) recognized Sgt. Iaquinto as the officer who handcuffed the arrested individuals inside the house. Sgt. Iaquinto made a radio transmission in which he told the command they were at their “favorite house on § 87(2)(b).

§ 87(2)(b) recognized DI Deentremont as a ranking officer who seemed to be in charge of the others. She referred to him as a sergeant. She described him as “nasty” and ascribed the following comments to him: “I should take you niggers out. You’re dogs. You’re just animals.” These were new allegations that were not made in § 87(2)(b)’s CCRB statement on May 20, 2010.

§ 87(2)(b) recognized PO Rodriguez as one of a group of officers that ran into the house at § 87(2)(b) with their guns drawn. She saw PO Rodriguez with his gun drawn, and identified him as one of several officers who said, “Everyone come the fuck out of the house or we’re going to shoot.”

§ 87(2)(b) recognized PO Roda as one of the officers who entered and searched the house. She made another new allegation that PO Roda said something to the effect of, “I know what’s here. These mother fuckers think they’re slick,” while he was searching the house.

§ 87(2)(b) said that an additional, undepicted officer (PO1) was assisting PO Roda as he searched the house. This officer was a chubby Hispanic male with black hair and glasses. He stood about 5’10”. As he was helping PO Roda, he said something like, “We always come here and don’t find anything, but I know it’s here.” This officer was alleged to have made a threat of arrest and to have used discourteous language toward § 87(2)(b).

Victim: § 87(2)(b)

- § 87(2)(b) -old black female, 5’1”, 110 pounds, brown eyes, brown hair, currently unemployed

CCRB Testimony

§ 87(2)(b) provided an in-person statement at the CCRB on May 20, 2010. Her statement was consistent with § 87(2)(b)’s statement, with the following exceptions and additional information. At the time of the incident, § 87(2)(b) was walking down the block on § 87(2)(b) and saw one unmarked and four marked vehicles parked outside her home.

§ 87(2)(b) walked up to the house and asked a male officer dressed in plainclothes, PO5, whom she described as a white male dressed in jeans who stood 6’0” tall and appeared to be in his early 50’s, what was happening. PO5 told § 87(2)(b) to step to the side and that the police would take care of any problems. § 87(2)(b) obeyed but continued to ask questions about what had happened, as did her brother-in-law who was also present, § 87(2)(b). PO5 eventually told them both, “If you keep asking fucking questions it’ll turn into a god damn crime scene.” § 87(2)(b) walked across the street and observed the home from the sidewalk.

When the officers left with the arrested individuals, § 87(2)(b) went inside and found that the house was disordered and appeared to have been searched. As she straightened the home, she noticed that \$1,500.00 in cash savings that she kept under her mattress was missing (referred to IAB using case number 201007077 on May 25, 2010). § 87(2)(b) told her that he recognized one of the officers because he had been to the home in the past regarding an unrelated incident.

Attempts to Contact Civilians

Members of the § 87(2)(b) family were unable to provide contact information for victim § 87(2)(b). Contact letters were sent to § 87(2)(b) at the address noted on his arrest report on May 25, 2010, and June 3, 2010. An additional possible address was found through Lexis-Nexis, and letters were sent to this address on July 8, 2010, and July 12, 2010. However, both of these letters were returned by the US Postal Service as not being directed to an existent address. Lexis-Nexis did not provide a working telephone number. § 87(2)(b) has not responded to the original two letters as of the date of this report.

§ 87(2)(b) § 87(2)(b)’s brother who she said was present when an officer allegedly spoke discourteously toward her, was sent contact letters at the § 87(2)(b) family address on July 15, 2010, and July 19, 2010. No separate phone number was available for him and he has not responded to the contact letters as of the date of this report.

§ 87(2)(b) and § 87(2)(b) were all reportedly present for the incident, although no particular acts of misconduct were alleged on their behalf. § 87(2)(b) received a contact letter on May 3, 2010, was called on April 19, 2010, and May 4, 2010, and missed appointments on May 3, 2010, May 12, 2010, and May 20, 2010. § 87(2)(b) had no contact information available, but missed appointments made through family members on May 12, 2010, and May 20, 2010. § 87(2)(b) had no available contact information with the exception of the address used in his arrest paperwork. Letters were sent to this address on July 15, 2010, and July 19, 2010. Neither of the letters was returned by the US

Postal Service, and § 87(2)(b) has not been in contact with the agency as of the date of this report.

NYPD Statements:

Subject Officer: PO ROBERT RODA

- § 87(2)(b) -old white male, 5'7", 175 pounds, brownish blonde hair, blue eyes
- Assigned to 47th Precinct Anticrime, worked with PO Jens Maldonado and PO Juan Rodriguez, dressed in plainclothes, used an unmarked Crown Victoria

Memo Book

1:06 complaint – assault involving a firearm at § 87(2)(b) 1:10 canvass of area (received description and license plate number from criminal complainant) 1:15 males stopped in front of § 87(2)(b) matched personal and vehicle description and license plate number

§ 87(2)(b) white sedan

CCRB Testimony

PO Roda was interviewed at the CCRB on October 22, 2010. On April 24, 2010, at about 1:00 pm, PO Roda and the other members of the Anticrime team responded to a 911 call regarding an assault at § 87(2)(b) in the Bronx. According to the criminal complainant, a car full of boys had attacked her brother, one of the boys punched her, and another brandished a gun before the group got back into the car and left the area. The brother of the criminal complainant knew the perpetrators' address, and provided a physical description of the perpetrators in addition to a description of the vehicle and its license plate number. PO Roda, PO Maldonado, and PO Rodriguez drove to the location indicated by the criminal complainants, § 87(2)(b). The criminal complainants later traveled to the location and § 87(2)(b) identified the perpetrators, after they had been arrested and the incident was concluded.

When PO Roda and his team arrived at § 87(2)(b) which was a few blocks from § 87(2)(b) they observed a car matching the description provided by the criminal complainants, including the license plate. There was a group of less than ten males in front of the building. When the officers exited their vehicle, all of the men ran, some into the home, and at least one, identified as § 87(2)(b) around the side of the building. The officers chased and apprehended as many of the men as they could, including those who had run into the building, and ended with five under arrest for the assault of the criminal complainant. PO Roda never interacted with any females during the incident. He did not speak to any family members or neighbors and denied using any of the alleged discourtesies.

Subject Officer: SGT. THOMAS IAQUINTO

- § 87(2)(b) -old white male officer, 6'0", 205 pounds, brown hair, brown eyes
- Anticrime supervisor, worked from 5:10 am to 2:50 pm, dressed in plainclothes, used an unmarked gray Jeep

Memo Book

CCRB Testimony

Sgt. Iaquinto made a memo book entry about the incident on April 24, 2010, and provided in-person statements at the CCRB on December 8, 2010, and March 15, 2011. § 87(2)(b)

§ 87(2)(b) (g)
§ 87(2)(b) Sgt. Iaquinto did not respond to the initial criminal complaint and did not go to the incident location until a member of the Anticrime team called for assistance. He was not present for the initial entry into § 87(2)(b) When he arrived, members of his team were scuffling with two of the suspects inside the house (to which the door was open, so he could see inside) and another officer was scuffling with § 87(2)(b) outside. Sgt. Iaquinto assisted the officers struggling with § 87(2)(b) whom he identified as PO Rodriguez and PO

Maldonado. A magazine and two shotgun shells were discovered in the garage, close to § 87(2)(b). A full search of the garage was not performed.

Sgt. Iaquinto entered the house at § 87(2)(b) after the arrest had been effected in the garage. He entered the house after his officers (presumably PO Roda and PO Beddows, although he could not remember exactly who was inside) had already apprehended and subdued those suspects arrested inside the building. The officers brought the prisoners outside to a front porch, and then walked Sgt. Iaquinto through the area that they had entered. They walked him through the front entryway and into a kitchen. He could not remember how many rooms he walked through, but said that he was only led through the parts of the house necessary to capture the suspects, that is, his officers showed him that they entered in a straight line through the door, apprehended the suspects, and left the area after conducting a plain view inspection of the room. He said the officers pointed out contraband in plain view, specifically marijuana “all over” the kitchen table, which he observed himself upon entering the premises. No further search was undertaken and no doors, drawers, or other closed areas were opened or searched. The officers did not enter other floors of the building or enter other rooms than those in which they had caught the suspects.

Sgt. Iaquinto did not see any other family members at the residence, and did not interact with anyone who claimed to be associated with the arrested individuals. No females were present or interacting with any officers. There were some neighbors on the sidewalk, observing what happened, but none of them spoke to the officers or interfered with the arrests. Sgt. Iaquinto denied using or hearing anyone use profanity or offensive language toward anyone present. The criminal complainant, who was a female relative of an assaulted male, identified the perpetrators by sight in a show-up after their apprehension.

Subject Officer: PO JENS MALDONADO

- § 87(2)(b) -old Hispanic male officer, 6’1”, 230 pounds, black hair, brown eyes
- Assigned to 47th Precinct Anticrime, dressed in plainclothes, worked from 5:10 am until 1:50 pm with PO Roda and PO Rodriguez, used an unmarked vehicle

Memo Book

CCRB Testimony

PO Maldonado prepared a memo book entry on April 24, 2010, and gave an in-person statement on November 19, 2010. § 87(2)(g) PO Maldonado did not interact with any family members, and as far as he knew the group did not include any females. He denied using profanity with any civilians, either suspects or onlookers.

Subject Officer: PO JUAN RODRIGUEZ

- § 87(2)(b) -old Hispanic male, 5’10”, 260 pounds, black hair, brown eyes
- Assigned to 47th Precinct Anticrime, worked from 5:10 am until 1:45 pm with PO Roda and PO Maldonado in plainclothes and an unmarked vehicle

Memo Book

CCRB Testimony

PO Rodriguez prepared a memo book entry about the incident on April 24, 2010, and provided an in-person statement on November 19, 2010. § 87(2)(g)

PO Rodriguez never interacted with any teenage girls or other people who purported to be family or residents of § 87(2)(b) during the incident. He denied using profanity with any of the people present.

Subject Officer: PO DANIEL BEDDOWS

- § 87(2)(b) -old white male, 5’10”, 200 pounds, light brown hair, blue eyes

- Assigned to 47th Precinct Anticrime, dressed in plainclothes, used an unmarked vehicle, worked from 5:10 am until 1:45 pm with PO Roda

Memo Book

CCRB Testimony

PO Beddows prepared a memo book entry on the incident date and was interviewed at the CCRB on February 4, 2011. § 87(2)(g)

PO Beddows had heard of the property at § 87(2)(b) because it was known in the command for being the site of frequent criminal activity, but he had not been there before the incident. PO Beddows entered the house along with other officers in pursuit of the suspects. He did not recall any females being home or being involved in the arrests. He spoke to the owner of the home, who was a female who was some kind of relative to one or more of the arrested individuals, over the telephone and explained the situation. He believed that a neighbor had called the homeowner, but he was not sure and could not remember the name of the person to whom he spoke. He denied using any profanity in the presence of civilians and didn't hear any of his fellow officers do so.

Subject Officer: DI PAUL DEENTREMONT

- § 87(2)(b) -old white male, 5'4", 200 pounds, brown hair, brown eyes
- Commanding officer of the 47th Precinct, worked from 3:00 pm until 11:00 pm as Duty Inspector, dressed in plainclothes, used an unmarked Chevrolet Impala

CCRB Testimony

DI Deentremont was interviewed at the CCRB on January 24, 2011. § 87(2)(g)

DI Deentremont heard over police radio that units in the 47th Precinct had responded to a radio run involving a firearm that resulted in arrests at § 87(2)(b). He went to the location to find that the interior of the house had been secured and officers were searching the house and the backyard for a firearm. He could not elaborate on the extent of the search. He noted that members of the Anticrime team including PO Roda, PO Beddows, and Sgt. Iaquinto were present but he did not observe them or other officers questioning the household residents, and he did not recall seeing any female residents present. He did not recall interacting with any household residents and denied using any discourteous or offensive language with any of the residents of the household, and also denied hearing any other officers do so.

DI Deentremont posted uniformed units outside the building to help secure the property, but there was no crowd to speak of and he did not see them interact with any civilians, although he was not observing them most of the time that they were posted outside. He did not recall who performed this duty.

NYPD Documents

Arrest Evidence Vouchers

PO Roda vouchered arrest evidence that included a plastic bag filled with marijuana, one black handled knife, one round of .45 caliber ammunition, one round of 12-gauge shotgun ammunition, and 20 rounds of .22 caliber ammunition.

Online Booking Arraignments Disposition System

§ 87(2)(b) and § 87(2)(b) were all arrested at § 87(2)(b) for the assault of § 87(2)(b). § 87(2)(b)'s arrest was later voided because he was found not to have been involved in the assault. Some of the men received additional charges of § 87(2)(b).

Status of Civil Proceedings

- Members of the § 87(2)(b) family have not filed a Notice of Claim with the City of New York as of March 15, 2011, with regard to the incident.

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilians CCRB History

- § 87(2)(b) was named as a victim in the following CCRB complaint:
 - § 87(2)(b)

Subject Officers CCRB History

- PO Roda has been a member of the service for five years and there are no substantiated CCRB allegations against him.
- PO Maldonado has been a member of the service for five years and there are no substantiated CCRB allegations against him.
- PO Rodriguez has been a member of the service for five years and there are no substantiated CCRB allegations against him.
- Sgt. Iaquinto has been a member of the service for ten years and there are no substantiated CCRB allegations against him.
- DI Deentremont has been a member of the service for twenty-three years and there are four substantiated CCRB allegations against him.
 - 9602715 – two allegations, both force; Board recommended charges; no NYPD discipline imposed
 - 200203144 – discourtesy (word); Board recommended charges; NYPD imposed CD A
 - 200205782 – force; Board recommended charges; charge dismissed at administrative trial

Conclusion

Identification of Subject Officers

PO Roda, PO Rodriguez, PO Maldonado and PO Beddows acknowledged entering § 87(2)(b) in pursuit of suspects in a firearms complaint. They did not acknowledge interacting with § 87(2)(b) or § 87(2)(b). Sgt. Iaquinto and DI Deentremont also acknowledged entering the building after it had been secured by the aforementioned officers, but they, too, denied interacting with § 87(2)(b) or § 87(2)(b). DI Deentremont, Sgt. Iaquinto, PO Rodriguez, and PO Roda were all identified by § 87(2)(b) in a single-photo display as being present in the home. Specific allegations were pled in accordance with § 87(2)(b)'s statements during the photo viewing.

§ 87(2)(b) stated that an additional officer, a heavy-set Hispanic male with dark hair who wore glasses, was not portrayed in the single photo display. She alleged that this officer was the one to tell her, "That's a bullshit ass excuse. I should take you in right now." PO Beddows, who was not shown in the single-photo display, does not fit this description, as he is a slim white male officer with light brown hair and no glasses. The other officers interviewed could not identify an officer who fit this description, nor could they identify other plainclothes officers who might have been present. § 87(2)(g)

§ 87(2)(b) alleged that a 6'0" tall white male officer dressed in jeans who appeared to be older than fifty years old spoke discourteously to her as she stood outside the home on the sidewalk. None of the officers interviewed could recall if any officers were stationed outside the home, with the exception of DI Deentremont, who said that he assigned a uniformed officer to stand outside the residence to secure it, but could not remember who took this assignment. There was not a crowd control situation and none of the officers interviewed recalled speaking to a female during the incident either inside or outside the residence. None of the officers interviewed fit this physical description. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pled

§ 87(2)(b) alleged that PO Roda referred to the residents of her home as "Motherfuckers" at some point while conducting a search. § 87(2)(g)

Allegation A – Abuse of Authority: PO Robert Roda entered § 87(2)(b) in the Bronx.

Allegation B – Abuse of Authority: PO Daniel Beddows entered § 87(2)(b) in the Bronx.

Allegation C – Abuse of Authority: PO Jens Maldonado entered § 87(2)(b) in the Bronx.

Allegation D – Abuse of Authority: PO Juan Rodriguez entered § 87(2)(b) in the Bronx.

Allegation E – Abuse of Authority: PO Juan Rodriguez drew his gun.

§ 87(2)(b) alleged that a group of officers who included PO Rodriguez (presumably composed of PO Roda, PO Beddows, and PO Maldonado in addition to PO Rodriguez) shouted at the door to § 87(2)(b) until someone let them in. § 87(2)(b) identified PO Rodriguez as being one of the officers outside the door holding a gun, but she did not identify the other officers as members of the group that made the initial entry. The aforementioned officers all acknowledged entering the home, but said that the door was open and that they were following some of the suspects in the prior gang assault that occurred on § 87(2)(b). The suspects were identified through the criminal complainant, who provided descriptions of the men and their vehicle, including a license plate. Accounts differed on the acquisition of the address (some officers thought it was provided by the criminal complainant, others thought it was the result of running the license plate, and others thought the discovery of the vehicle and the group of men was the result of a canvass) but on all accounts there was evidence that these men were the perpetrators of an assault that included a firearm, and the criminal complainant later verified that these were the involved individuals.

New York State Law has established that officers may enter a residence without a warrant if exigent circumstances exist, primarily when the presence of a weapon presents an imminent threat to public safety. § 87(2)(g)

§ 87(2)(g)

Allegation F – Discourtesy: PO Juan Rodriguez spoke rudely to § 87(2)(b)

and § 87(2)(b)

Allegation G – Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) all failed to cooperate with the investigation by providing sworn statements and § 87(2)(b) could not be contacted. § 87(2)(g)

(g)

Allegation H – Abuse of Authority: Sgt. Thomas Iaquinto authorized the search of § 87(2)(b)

The civilian victims and complainants in this case alleged that the property at § 87(2)(b) was searched, but none of the civilians present to witness the search made a sworn statement. § 87(2)(b) alleged that her mattress had been tampered with (specifically, that money had been taken from beneath it) which suggests a search beyond the scope of a plain-view search or a protective sweep of the building had been undertaken.

Sgt. Iaquinto, who admitted to being the only supervisor present at the time that the search commenced, stated that only a plain-view search of the areas § 87(2)(b) adjacent to the apprehended suspects was performed. DI Deentremont contradicted Sgt Iaquinto and said that when he arrived at the home, a search of the house and backyard was being performed to find the firearm reportedly possessed by one of the young men in the home. DI Deentremont did not specify the extent of the search and arrived to find it already in progress.

§ 87(2)(g)

Allegation I – Discourtesy: Officers spoke rudely to § 87(2)(b) **and** § 87(2)(b)

Allegation J – Abuse of Authority: An officer threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that a heavy Hispanic male officer dressed in plainclothes who wore glasses told her, “That’s a bullshit-ass excuse. I should take you in right now,” while she was being detained on the porch of § 87(2)(b) as the males involved in the gang assault were being arrested. § 87(2)(b) alleged that a tall, slim, white male officer dressed in plainclothes who appeared to be in his 50’s told her, “If you keep asking fucking questions it’ll turn into a god damn crime scene,” as she stood on the sidewalk and tried to determine why the police were inside her home. § 87(2)(g)

Allegation K – Offensive Language: DI Paul Deentremont made remarks to § 87(2)(b)

based upon race.

§ 87(2)(g)

DI Deentremont denied ever interacting with § 87(2)(b) and specifically denied using any offensive language at the scene of the arrests. § 87(2)(g)

